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SENSITIVE
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DEPARTMENT FOR EAP/MLS, G/TIP, AND DRL
USAID FOR ASIA BUREAU

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TAGS: PHUM PGOV PREL KWMN KJUS CB

SUBJECT: AMBASSADOR'S FAREWELL CALL ON DPM SAR KHENG:
PEDOPHILE RELEASE UPDATE, JOURNALIST'S KILLING, GUN
SHOOTING IMPUNITY

REF: A. PHNOM PENH 680
 B. PHNOM PENH 628
 C. PHNOM PENH 576

11. (SBU) Summary: During the Ambassador's farewell call, Deputy Prime Minister and Minister of Interior Sar Kheng expressed his appreciation efforts to expand and strengthen cooperation, and Sar Kheng's desire to maintain cooperation with the U.S. Mission. Sar Kheng stated that he still has serious concerns about trafficking-in-persons, such as the recent release of a Russian pedophile by the Sihanoukville Court (Ref B). Sar Kheng said that the officials involved with the case had damaged the RGC's efforts to combat TIP, and said he had ordered an investigation of the release of the pedophile who is still in the country, and whose case has been appealed by the Appeals Court prosecutor. The DPM thanked the U.S. for the FBI's offer of assistance to investigate the July killing of opposition newspaper journalist Khem Sambo (Ref C) and said he will request that the Cambodian National Police submit to the FBI specific investigation needs. Sar Kheng appeared surprised when the Ambassador informed him that a pistol bullet penetrated one of the CMR's bathroom windows over the weekend (Ref A). Sar Kheng bemoaned the lack of implementation of the country's gun laws, and said he would look into Embassy reports of a problematic bar located next to one of the Embassy residences where apparently well-connected, young patrons shoot off guns outside without reprimand. End summary.

Sar Kheng Concerned About Belov Release

12. (SBU) While noting overall achievements on TIP issues through cooperative U.S.-Cambodia relations over the last few years, DPM Sar Kheng lamented the recent release of Russian pedophile Nikita Belov stating that officials dealing with the case had damaged the RGC's efforts to combat TIP. Sar Kheng said that he had instructed Ministry of Justice Undersecretary of State Ith Rady to come up with a report about why Belov was released. The DPM stated that despite this setback the RGC remains unwavering in its anti-TIP commitment and concurred with the Ambassador's statement that it is critical for the RGC to stay vigilant to cases when court and police officials do not act according to the government's high-level commitment.

Belov Release Update from MOJ

13. (SBU) During a separate meeting, Ith Rady told Poloff that he reviewed the Sihanoukville Court's Nikita Belov case file and determined that the judge released Belov because of a misinterpretation and misunderstanding of the law. Specifically, Belov was charged with Article 43 of the new anti-TIP law "indecent acts against a minor," defined as

"touching or exposing a genital or other sexual part of another person, or of having another person touch the actor's or a third person's genital or other sexual part...." As at least one of Belov's underage victims testified to performing oral sex on Belov, Article 42 "Sexual Acts with a Minor" is believed to be the more suitable charge. However, "sexual acts" is not defined in detail in the new anti-TIP law. Ith Rady stated that oral sex is "not a part of Khmer culture" and that he has consulted with several MOJ colleagues, "60 to 70 percent" of whom thought that oral sex is an indecent act, not a sexual act. He reported his assessment that the Sihanoukville judge misunderstood the law in relation to the act that Belov committed. Ith Rady submitted to the Minister of Justice a request that the Minister issue an official letter to court and judicial officials explaining the articles.

Belov Still in Cambodia; CaseAppealed

¶4. (SBU) In the Ambassador's separate farewell meeting with Minister of Justice Ang Vong Vathana, the Minister stated that Belov has not left Cambodia, a statement that was confirmed by TIP investigation NGO APLE which has been working on the case. National Task Force Chair You Ay was instrumental in ensuring that a letter went out to all immigration officers at Cambodia points of entry notifying all that Belov was still involved with legal proceedings and should not be allowed to leave the country. You Ay also pushed the Appeals Court general prosecutor to appeal the Sihanoukville decision. The Minister of Justice told the Ambassador that the timing of the appeals trial is "up to the

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Appeals Court."

Slain Journalist FBI Investigation Offer Still on the Table

¶5. (SBU) DPM Sar Kheng thanked the U.S. for support of FBI involvement in the investigation of a July 10 killing of an opposition newspaper journalist. The Ambassador stated that the FBI has been waiting for several weeks for a response from the police about their specific investigation needs. Sar Kheng said he would request that the police respond.

DPM "Shocked" By Shooting Reports

¶6. (SBU) Despite his police leadership role as the Minister of Interior, Sar Kheng had apparently not heard that a pistol bullet was shot through a bathroom window at the CMR over the weekend, and said he was "shocked" by the news. He also stated that he would look into a problematic bar located next to one of the Embassy residences where apparently well-connected, young patrons shoot off guns outside without reprimand. He agreed with the Ambassador's assessment that a great deal of random shooting of guns by off-duty military members or by children of the wealthy and influential takes place, flouting Cambodia's laws. The DPM stated that Cambodia has a gun law and related subdecrees but that implementation of these has not been realized; some Cambodians carry guns without being entitled to do so.

Comment

¶7. (SBU) DPM Sar Kheng's willingness to work cooperatively with the U.S. Mission over the past few years has paid dividends for the RGC in terms of its gaining traction on the high-level government commitment to combat TIP, and he reiterated his commitment to continue working with the U.S. to eliminate TIP in Cambodia. The Belov case and other cases at the courts will stand as tests to this commitment. While we commend Sar Kheng for the RGC's acting to review the Belov case, we have not yet seen a positive final outcome on the

issue.
MUSSOMELI